

APPENDIX TO CHAPTER VIII - City of Baraboo Sidewalk Policy

Revised April, 2020 (2550, 04/28/2020)

Purpose. This policy is intended to establish guidelines for the installation of new sidewalks and the replacement of existing sidewalks in the City of Baraboo and to document the methodology to be used to assess the costs associated with new sidewalk construction to the abutting property owner.

Except as otherwise stated in this policy it is the goal of the City to have curb, gutter, and sidewalks, on all existing and future streets for the benefit of the health, safety, and welfare of the citizens. Recognizing that neighborhoods change over time, the intent of this Policy is to promote safety, sociability, community, connectivity, and equilibrium throughout the City. The City of Baraboo is designated as an eco-municipality and as such, is committed to being a walkable community.

Procedure - New Sidewalk Installation. New sidewalk installation shall be coordinated by the City Engineer as directed by the Public Safety Committee and/or City Council. Locations for new sidewalk that will be installed entirely independent of any street construction work shall generally conform to the City's 1999 Sidewalk Planning Study unless special circumstances exist as determined by the Public Safety Committee. New sidewalk projects should be planned for street segments that are ranked in the top 25% of segments that do not have sidewalk and adjacent segments on a particular street should be grouped together rather than adhere to the strict priority ranking from the 1999 Study.

In addition, new sidewalk shall also be installed along streets that are reconstructed where no sidewalk previously existed unless special circumstances exist as determined by the Public Safety Committee.

Notices shall be mailed to property owners along streets slated to receive new sidewalk. This notice shall serve to notify the property owner that sidewalk will be installed and that assessments shall be levied against abutting properties. Special Assessment procedures shall conform to City Ordinances and applicable State Statutes.

As provided by City Ordinance, the abutting property owner has the option of installing their own sidewalk or hiring their own contractor to install sidewalk along their property. Any property owner choosing to install their own sidewalk or hire their own contractor must sign an agreement with the City establishing the guidelines for construction. Any property owner choosing to install their own sidewalk or hire their own contractor assumes full responsibility for all costs associated with the sidewalk installation with the exception of the credit available to the property for additional costs for special provisions.

City Owned Property. Whenever sidewalks are constructed on a street, all city owned parcels contiguous to the project will have sidewalk installed.

Building Construction. Sidewalks must be installed prior to an occupancy permit being issued for all new building construction and when there have been improvements to an existing building by 50% or more of the current or equalized value for the structure. Structures receiving occupancy permits between November 1st and May 30th of the following year shall be required to have sidewalks installed by the following June 30th.

New Subdivisions. Sidewalks shall be installed as provided in the Subdivider's Agreement.

Subdivider agrees to construct and install, at Subdivider's sole expense, all required sidewalks in accordance with the City's sidewalk standards and specifications. Sidewalks shall be constructed on both sides of each street within the Subdivision. All sidewalk construction within the Subdivision must be completed within three years of the date of the recording of the final plat of the Subdivision or the date of the execution of this Agreement, whichever occurs first. In all cases, sidewalks must be constructed for each individual lot within the Subdivision before an occupancy permit will be issued for said lot and in all cases all sidewalks within the Subdivision shall be completed within the three-year period stated herein. Subdivider agrees that upon completion of the sidewalk construction in accordance with this Agreement, Subdivider shall formally notify the City Building Inspector and request an inspection thereof. Upon such notification, the City Building Inspector shall make an inspection of the completed sidewalk. All sidewalks in the Subdivision shall be subject to acceptance of ownership and dedication and to the letter of credit provisions.

Procedure-Sidewalk Replacement. As provided by City Ordinance existing sidewalks in the City shall be inspected at least once every eight years. The City is divided into districts to facilitate the orderly inspection and repair of sidewalks.

As a guideline, it is the City's goal to endeavor to replace sidewalks if there are cracked or broken stones, spalled surface conditions, ponding or icing conditions or settling or heaving so as to cause a differential in joint elevation of 3/4 inch from one stone to the next.

Sidewalks required to be replaced will be marked by City Engineering Department staff.

Sidewalks marked for replacement shall be completely removed and replaced or repaired as deemed appropriate by the City Engineer.

Design Standards. Sidewalks shall be 5' wide and constructed of concrete in accordance with the City

Specifications for Concrete Sidewalks as adopted by the Public Works Department. Sidewalks shall typically be installed on street right-of-way six inches from the property line. The sidewalk specifications for a particular project may require the removal of trees and landscaping encroachments; however, recognizing the City's Tree City USA designation, special effort will be made to save mature trees that are in very good or excellent condition. In situations where building encroachments or significant tree growth or other special circumstances exist, the sidewalk may be installed further from the property line and the width may be reduced to 4'. An effort shall be made so that both the width and alignment generally conform to other sidewalks in the area.

Sidewalks shall be installed through driveway sections to provide a uniform walking section and appearance.

Certain sidewalk projects may require the construction of walls and other improvements.

The City Engineer shall be notified and an inspection performed prior to pouring the sidewalk to approve the sidewalk location, grade line and forming.

Assessment of Costs. Costs for new sidewalk construction shall be assessed against abutting properties on a front foot basis. The assessed costs shall be calculated by combining the concrete costs with costs for clearing and grubbing of trees and brush, excavation and preparation of the grade, sub-base material, and turf restoration. This combined cost will be calculated on a square foot basis which will be multiplied by the sidewalk width to determine the front foot assessment cost.

Driveway restoration as required due to the installation will not be assessed provided the driveways are restored using similar materials to those existing prior to sidewalk installation. Enlargements or upgrades to the existing driveways shall be assessed at cost.

Carriage walks will be replaced at the owners request and will not be assessed against the abutting property provided the carriage walk is restored using similar materials to those existing prior to its removal. Enlargements or upgrades to the carriage walks shall be assessed at cost. A carriage walk is defined as a sidewalk located in the right-of-way, perpendicular to the street, between the curb and the sidewalk, but excludes curb ramps or sidewalks located at an intersection.

Additional Costs for Special Provisions. The hilly terrain in the City of Baraboo often requires that retaining walls, steps or other special provisions be constructed as a part of the sidewalk installation. To protect the property owner against the high cost of these special provisions, the City of Baraboo agrees to limit the total cost of the special assessment for sidewalk against any single property to 1.75 times the cost of the total sidewalk assessment for the parcel.

In the event that the property owner chooses to install the sidewalk and special conditions exist such as retaining wall construction, the property owner is eligible for a credit to apply against the cost of this added construction. The credit is calculated by multiplying the cost of the sidewalk assessment for the parcel (had the City completed the work) by 1.75 and subtracting from that the cost of the sidewalk assessment (had the City completed the work). Retaining wall materials and construction shall be approved by the City Engineer.

Large Lot Adjustment. For large lots in the City zoned for single family or two family residential the additional costs for special provisions as described above shall be limited to 1.75 times the cost of sidewalk for a standard residential lot of 132 feet of frontage. The parcel shall be assessed for the entire frontage for sidewalk construction as described above under assessment of costs. Only the additional costs for special provisions shall be subject to the adjustment described in this paragraph.

Multi-frontage lots will be responsible for all frontages.

Exceptions: The only exception to this Policy shall be in locations where the topography is such that sidewalk construction is not feasible or where the cost to construct sidewalk would be excessive, as determined by the City Engineer.

Excessive Costs. Should the costs of construction exceed three (3) times the cost of the contractors cost for sidewalk reconstruction as determined in the current years maintenance bids, the project will usually be considered to be infeasible to undertake; however, the Council may determine that a project is so important that it may exceed this limit.

Financing. Sidewalk assessments may be paid under one of the following alternatives:

- Pay in full within 30 days to avoid interest charges.
- 3 year installment agreement for assessments between \$500 and \$1,000. Pay 1/3 down within 30 days of date of invoice and sign an installment agreement. Interest rate will be the prime lending rate at the time of the agreement plus 1½%. Interest is charged starting 30 days after the invoice date and future installments will be entered on the tax roll for collection.
- 5 year installment agreement for assessments over \$1,000. Pay 1/5th down within 30 days of date of invoice and sign an installment agreement. Interest rate will be the prime lending rate at the time of the agreement plus 1½%. Interest is charged starting 30 days after the invoice date and future installments will be entered on the tax roll for collection.
- 10 year installment agreement for assessments over \$10,000. Pay 1/10th down within 30 days of date of invoice and sign an installment agreement. Interest rate will be the prime lending rate at the time of the agreement plus 1½%. Interest is charged starting 30 days after the invoice date and future installments will be entered on the tax roll for collection.

- Community Development Block Grant for assessments over \$1,000. Applicants must be at 80% or less of median income for Sauk County and meet program qualifications. Funds are subject to availability. Application must be made to Community Development Authority and verification of application must be delivered to City Treasurer within 30 days of date of invoice. Interest will be waived during application process.
- Financial Hardship. A property owner who has a household income which is 80% or less of the medium income in Sauk County based upon the current published figures, or who is not eligible for a Community Development Block Grant loan as stated above, shall be eligible to repay the City for the assessment at the rate of \$100 per year or 5% of the total assessment, whichever is greater, plus annual interest of 1% until paid. The Community Development Authority staff shall verify low-income eligibility and shall make a recommendation as to such eligibility to the City Council. If there is an outstanding balance at the time of sale or transfer of the property, except between spouses, the remaining balance shall become due. A property owner requesting financial hardship eligibility shall submit a copy of their most recent filed State of Wisconsin tax return if filed, or otherwise show proof of annual household income.
For each year ending in either 5 or 0, the property owner shall re-submit proof of financial hardship to the City. If the property owner continues to qualify under the policy guidelines, the hardship status will remain. If the property owner does not qualify, the remaining balance of the assessment shall be paid pursuant to an Installment Agreement, the term of which will be determined based on said remaining balance as outlined above.
- Balance on Tax Roll. If the property owner does not pay in full within 30 days from the invoice date or qualify for an installment plan, the entire balance will be placed on the next tax roll for collection with interest added at 1% per month.

Ownership Adjacent To Town Parcels. When a landowner owns land adjacent to town parcels and has a driveway that enters the street going to the town parcel the property owner will be required to place sidewalk along the frontage of the street to a point that will access the driveway of the owners parcel in question. Where there is no driveway it shall be at the discretion of the council where the sidewalk shall end.

Three-Sided Lots. In those areas where new sidewalks are to be installed, if a sidewalk is to be installed on a lot, which has frontage on three sides, the property owner will be responsible for the street in front of the house and to the side of that frontage. The City will pay for the initial sidewalk construction on the street that would be to the rear of the house. Future maintenance of all sidewalks shall be the responsibility of the property owner.